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10/735,446	12/12/2003	Seungyun Yoon	TN329	2038
7590		10/12/2007	EXAMINER	
Unisys Corporation			NEWTON, JARED W	
Attn: Lise A. Rode			ART UNIT	
Unisys Way, MS/E8-114			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/735,446

Applicant(s)

YOON ET AL.

Examiner

Jared W. Newton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6, 9-14 and 17-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-29 and 33 is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-14, 17, 31, 32 is/are rejected.
- 7) ☒ Claim(s) 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/22/2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This Final Rejection is in reply to the Remarks filed February 22, 2007, by which claims 1, 10, 18 and 23 were amended. No claims were added and no claims were canceled. Claims 1-6, 9-14 and 17-33 are pending.

### ***Drawings***

The drawings were received on February 22, 2007. These drawings are in compliance with all requirements.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 9-13, 17, 31 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 2,182,546 to Raymond.

In regard to claims 1, 9, 10, and 17, Raymond discloses a hinge fixture comprising: a first plate 4 having a surface 5 for receiving a component 19; a second plate 3 having a surface for attachment to a frame or rack and cooperating with the first plate to form a combination of mounting plates, and a flange 11 extending from a transverse edge of the surface of the second plate; wherein the first plate is pivotally connected to the second plate so that, in a first position, the first plate is adjacent to and

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in substantial alignment with the second plate and, in a second position, the first plate is rotated to an orientation which laterally projects from the second plate; a locking mechanism 12 fixed to the flange of the second plate, wherein the locking mechanism includes an axially retractable tip 15 which is movably coupled with the flange 11 of the second plate by extending through an aperture formed in said flange (see FIG. 5), for selectively engaging the component 19 received by the first plate (see FIG. 4), wherein said tip is capable of being manually retracted, and a cap portion 17 attached to said tip, wherein said cap portion has a face that is capable of being grasped.

In regard to claims 2-5, and 11-13, Raymond discloses the fixture of claim 1, and further discloses said first and second plates forming an angle, a hinged connection between said first and second plate, wherein said hinge is positioned along lateral edges of each plate, and said first and second plates having substantially rectangular shapes (see FIGS. 1 and 4).

In regard to claim 31, Raymond further discloses says component including a surface (free edge of component 19) spaced from the fixture for selective engagement of the tip of the locking mechanism.

In regard to claim 32, said surface is a bracket.

### ***Claim Rejections - 35 USC § 103***

Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over '546 to Raymond as applied to claims 1-5, 9-13, and 17 above, alone.

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Raymond does not disclose a notch formed in the edge of said first plate opposing said hinge.

The Examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art at the time of the invention to include a notch, or any other type or shape of cutout in the edge opposed to the hinge of the device of Raymond. It is well known and obvious in the art of hinged plates to provide various shaped cutouts or notches in any portion of said plates, so as to accommodate various types of hardware that may be used to attach said plates to a surface. Here, it would be obvious to provide a cutout in the edge of the hinge plate disclosed by Raymond, to allow additional hardware to be inserted therethrough, and thus create a more secure overall connection.

#### ***Allowable Subject Matter***

Claims 18-29, and 33 are allowed.

Claim 30 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

In view of the Amendments to the Drawings and Specification and the recitation of claim 18 as originally filed, the rejections under 35 USC §112, 1<sup>st</sup> Paragraph set forth in the Non-final rejection mailed November 30, 2006, are hereby withdrawn.

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In view of the Amendments filed February 22, 2007, the rejections based on the More reference (US Patent No. 1,898,562) are hereby withdrawn. Remarks pertaining to the More reference are therefore moot.

In view of the Amendments filed February 22, 2007, and in particularly the new Figure 8, the rejections based on the Padiak et al. reference (US Patent No. 6,079,081) are hereby withdrawn. Remarks pertaining to the Padiak reference are therefore moot.

With respect to the Raymond reference, Applicant recites, "[Raymond] does not constitute a disclosure of a manually retractable locking mechanism." (Remarks, page 19, line 5). In support of this conclusion, Applicant first states, "[T]he engagement of structures associated with the latches 15 is precluded, preventing manual retraction of the latches 15." (Remarks, page 19, line 10). The Examiner traverses this assertion. As clearly shown in the Raymond reference, a bolt 17 is attached to the tip 15 (see e.g. FIG. 5). The bolt extends through an opening in the cylindrical housing 12 (see FIG. 5) and terminates in a cap portion that rests outside of said housing. This showing by Raymond defeats Applicant's argument that "the engagement of structures associated with the latches is precluded." (Remarks, page 19, lines 10-12). Applicant further recites, "Moreover, there is no disclosure that the head of the bolt 17 (either its size or its shape) would allow for manual engagement of the bolt, or that such engagement would be sufficient to overcome the force of the spring." While the Examiner agrees that the Raymond reference does not explicitly disclose the tip as manually retractable, the reference nonetheless meets the claim limitations in view of what one of ordinary skill in

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the art would reasonably deduce from the drawings. See *In re Aslanian*, 590 F.2d 911, 200 USPQ 500 (CCPA 1979) (When the reference is a utility patent, it does not matter that the feature shown is unintended or unexplained in the specification. The drawings must be evaluated for what they reasonably disclose and suggest to one of ordinary skill in the art). The drawings of Raymond, and in particular Figure 5, would reasonably suggest to one of ordinary skill in the art that the tip 15 is capable of being manually retractable. It is noted that the claim limitations regarding the manually retractable tip set forth an intended use of the invention. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Here, the Examiner contends that it is reasonable to conclude that a human would be capable of manually retracting the tip 15 by grasping the cap portion of the bolt 17 and pulling upward (see FIG. 5).

In further regard to the Raymond reference, Applicant argues, "a distinction between the structure disclosed by Raymond and the structure recited in applicants' claims" (Remarks, page 20) based on the claim limitations "a flange extending from a transverse edge of the surface of the second plate" and "to an orientation which laterally projects from the second plate" (Remarks, page 21). The Examiner maintains that the Raymond reference meets these limitations at least in view of their broadest reasonable interpretation. In regard to the first limitation, the term "transverse" is defined as

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"Located or lying across" (Webster's Dictionary). The angle bracket 10 of Raymond extends from the edge of plate 3 (see FIG. 4), and this edge is transverse, or located across from the hinge itself. The claim does not provide a structural limitation regarding the edge that would preclude such an interpretation.

In regard to the second limitation, the term "laterally" is defined as "in a manner that is on, toward or from the side" (Webster's Dictionary). Raymond shows transition from a first orientation where plate 3 and plate 4 are generally directly opposing each other (see FIG. 2), to a second orientation where the plates are generally perpendicular to each other, and face 4 is in an orientation that projects from the side of plate 3 (and vice versa). These two orientations meet the noted limitation at least when that limitation is given its broadest reasonable interpretation. Moreover, the noted orientations correspond respectively to the orientations shown in Figures 1 and 2 of Applicant's disclosure. The Examiner fails to understand how such an interpretation is precluded by the claimed invention.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the



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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JWN  
October 3, 2007



10-9-07  
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SUPERVISORY PATENT EXAMINER  
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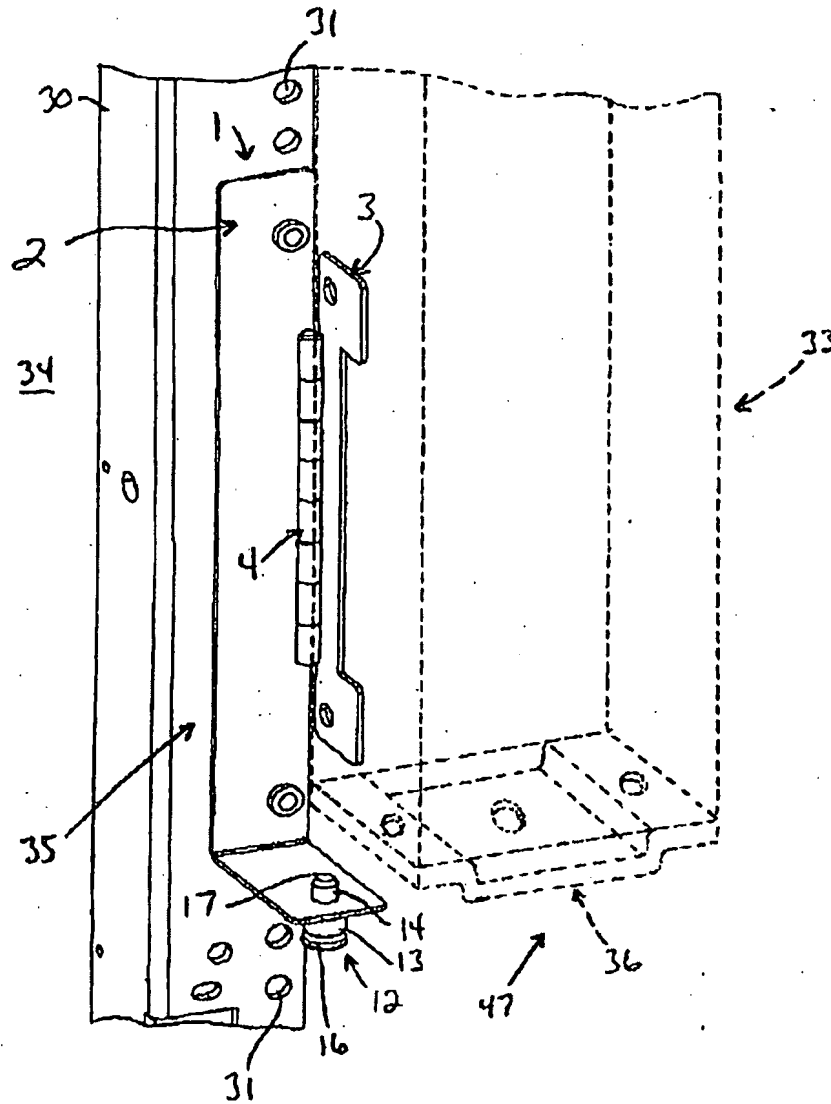


Fig. 6

OK to  
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